

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERNEST JAMAL NELSON,	)
Petitioner	)
	)
vs.	) Civil Action No. 07-1453
	) Judge Terrence F. McVerry/
SUPERINTENDENT OF SCI-	) Magistrate Judge Amy Reynolds Hay
HUNTINGDON; ATTORNEY GENERAL	)
OF THE COMMONWEALTH OF	)
PENNSYLVANIA; DISTRICT	)
ATTORNEY OF ALLEGHENY	)
COUNTY,	)
Respondents	)

**ORDER**

AND NOW, this 2nd day of April, 2009, after the Petitioner, Ernest Jamal Nelson, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until March 30, 2009, to file written objections thereto, and upon consideration of the objections filed by Petitioner, and upon an independent review of the record and consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

**IT IS HEREBY ORDERED, ADJUDGED and DECREED** that the habeas petition filed pursuant to 28 U.S.C. § 2254 is **DENIED**.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED** .

**IT IS FURTHER ORDERED** that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Ernest Jamal Nelson  
EL-2353  
SCI Huntingdon  
1100 Pike Street  
Huntingdon, PA 16554-1112

All Counsel of Record by electronic filing